

Sixth Appellate District

San Jose, California

MONDAY, MARCH 23, 1998

H016555 PEOPLE v. MC DANIELS

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed March 23, 1998

H016498 PEOPLE v. LOMOSAD

The judgment is affirmed. (not published)  
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)  
Filed March 23, 1998

H016793 PEOPLE v. LAZARSKI

The judgment is affirmed. (not published)  
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)  
Filed March 23, 1998

H015298 SANTESSON v. MANOUKIAN, et al.

By the Court\*:

Appellant's petition for rehearing is denied.  
Dated March 23, 1998 Premo, Acting P.J.  
\*Before Premo, Acting P.J., Elia, J., and Wunderlich, J.

H015663 PEOPLE v. SHOOK

By the Court\*:

Appellant's petition for rehearing is denied.  
Dated March 23, 1998 Premo, Acting P.J.  
\*Before Premo, Acting P.J., Elia, J., and Wunderlich, J.

H016364 PEOPLE v. MC IVER

The judgment is affirmed. (not published)  
(Elia, J.; We concur: Premo, Acting P.J., Wunderlich, J.)  
Filed March 23, 1998

TUESDAY, MARCH 24, 1998

The Court met at Santa Clara University Law School, Santa Clara, California. Present: Cottle, P.J.; Bamattre-Manoukian, J., Mihara, J.; and Lori Hazelip, Deputy Clerk.

H016589 MAAS CRESTVIEW LIMITED PARTNERS v. REPUBLIC WESTERN INSURANCE CO., et al.

Cause called and argued by Fenn C. Horton, III, appearing for appellant and by Alec H. Boyd appearing for respondents. Cause ordered submitted.

H015564 ORTEGA, et al. v. PAJARO VALLEY UNIFIED SCHOOL DISTRICT

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Cause called and argued by Thomas R. Fellows appearing for  
appellant and by Gerald Z. Marer appearing for respondents.  
Cause ordered submitted.

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Tuesday, March 24, 1998 (continued)

H016782 PEOPLE v. MORA

Cause called and argued by Craig A. Brandt appearing for appellant and by Ann K. Jensen, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

Cottle, P.J., Bamattre-Manoukian, J., and Mihara, J. leave the bench. Premo, Acting P.J., Elia, J., and Wunderlich, J. take the bench.

H016866 PEOPLE v. RAMIREZ

Cause called and argued by Kathy Chavez appearing for appellant and by Morris Beatus, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H016597 PEOPLE v. MARGULIES

H017411 MARGULIES ON HABEAS CORPUS

Cause called and argued by Ted W. Cassman appearing for appellant and by Gregg W. Lowder, Deputy Attorney General, appearing for respondent. Cause ordered submitted.

H017363 EVERETT v. SUPERIOR COURT; BUSINESS OBJECTS, INC.

Cause called and argued by Steve B. Duke appearing for petitioner and by Marina C. Tsatalis appearing for real party in interest. Cause ordered submitted. Court adjourns.

H017929 ROBIN O. v. SUPERIOR COURT OF SANTA CLARA COUNTY; SANTA CLARA COUNTY DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES, et al.

The petition for extraordinary writ is denied. (not published)  
(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)  
Filed March 24, 1998

H016402 PEOPLE v. AVILA

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed March 24, 1998

H016902 IN RE NIDIA D., A MINOR

The juvenile court's order is reversed. (not published)  
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)  
Filed March 24, 1998

H017085 CLARK v. PACIFIC GROVE UNIFIED SCHOOL DISTRICT, et al.

The trial court's order denying Clark's petition for writ of mandate and request for attorney's fees is affirmed. (not published)  
(Cottle, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)

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Filed March 24, 1998

WEDNESDAY, MARCH 25, 1998

H017236 PEOPLE v. WALKER

The judgment is affirmed. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed March 25, 1998

THURSDAY, MARCH 26, 1998

H016184 PEOPLE v. ALLEN

The judgment is affirmed. (not published)  
(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)  
Filed March 26, 1998

H017363 EVERETT v. SUPERIOR COURT; BUSINESS OBJECTS, INC.

Real party's demurrer is overruled. The petition for peremptory writ of mandate is granted as to the petitioner's first cause of action for breach of contract and denied as to the petitioner's third cause of action for intentional infliction of emotional distress. Let a peremptory writ of mandate issue, directing respondent superior court to vacate its order granting real party's motion for summary adjudication as to the first cause of action alleging breach of contract and enter an order denying the motion as to the cause of action. The alternative writ is discharged, and the stay of proceedings is dissolved. Each party to this writ proceeding is to bear his or its own costs. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed March 26, 1998

H016124 PEOPLE v. INDALECIO

Conviction on counts 1, 3, and 5 are reversed. The judgment is otherwise affirmed. The trial court is directed to send a corrected abstract of judgment to the Department of Corrections. (not published)  
(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)  
Filed March 26, 1998

H016917 WILSON v. ASSOCIATED AVIATION UNDERWRITERS

The judgment is affirmed. (not published)  
(Cottle, P.J.; I concur: Mihara, J.; concurring opinion by Bamattre-Manoukian, J.)  
Filed March 26, 1998

FRIDAY, MARCH 27, 1998

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H017987 LISA W. v. MONTEREY COUNTY SUPERIOR COURT; MONTEREY COUNTY DEPARTMENT OF SOCIAL SERVICES, et al.

The petition for extraordinary writ is denied. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed March 27, 1998

Friday, March 27, 1998 (continued)

H016375 PEOPLE v. JONES

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)

Filed March 27, 1998

H016647 PEOPLE v. SCHLEETER

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Cottle, P.J., Bamattre-Manoukian, J.)

Filed March 27, 1998

H016782 PEOPLE v. MORA

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Cottle, P.J., Mihara, J.)

Filed March 27, 1998

H013360, H015090, H015511, H016104, H016674, H016805, H016806, H017215 FMC CORPORATION v. PLAISTED COMPANIES, et al.

(Filed order modifying opinion.) Appellant FMC Corporation's petition for rehearing is denied. This modification does not affect the judgment. (Published)

Dated March 27, 1998

Cottle, P.J.

H016326 GUEVARA v. SUPERIOR COURT OF SANTA CRUZ COUNTY; THE PEOPLE

Let a peremptory writ of mandate issue directing the Santa Cruz County Superior Court to vacate its order denying petitioner's Penal Code section 995 motion and enter a new and different order granting his motion as to the Penal Code section 245, subdivision (a)(1) counts. Petitioner's request for relief from the Superior Court's denial of his demurrer is denied. (not published)

(Mihara, J.; I concur: Wunderlich, J.; I concur in the judgment only: Elia, Acting P.J.)

Filed March 27, 1998

H017690 CITY OF SAN JOSE v. FRED F. FARAHANI

By the Court\*:

Appellant's motion to set aside the dismissal order filed February 27, 1998, is granted provided a statement pursuant to Rule 19.5, California Rules of Court, is filed in this court on or before March 30, 1998.

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Appellant's appendix and opening brief shall be served and filed within 30 days from the date the Rule 19.5 statement is filed in this court.

Dated March 27, 1998

Cottle, P.J.

\*Before Cottle, P.J., Bamattre-Manoukian, J, Mihara, J